

Monday July 16. Cont?

he came here this morning his purpose was to have offered some propositions that might if possible have united a great majority of votes, and ^{happily} might provide ^{it} the danger suspected on the part of the smaller States, by enumerating the cases in which it might lie, and allowing an equality of votes in such cases. [†] But finding from the ~~proceeding~~ vote that they persist in demanding an equal vote in all cases, ~~and~~ that they have succeeded in obtaining it, and that N. York if present would probably be on the same side, he could not but think we were unprepared to discuss this subject further. ~~since~~ It will probably be in vain to come to any final decision with a bare majority on either side. For these reasons he wished the Convention might adjourn, that the large States might consider the steps proper to be taken in the present solemn crisis of the business, and that the small States might also deliberate on the means of conciliation.

Mr. Patterson, thought with Mr. R. that it was high time for the Convention to adjourn that the rule of secrecy ought to be rescinded, and that our Constituents should be consulted. No conciliation could be admissible on the part of the smaller States on any other ground than that of an equality of votes in the 2^d branch. If Mr. Randolph would reduce to form his motion for an adjournment *sine die*, he would second it with all his heart.

Gen^l. Pinkney wished to know of Mr. R. whether he meant an adjournment *sine die*, or only an adjournment for the day. If the former was meant, it differed much from his idea. He could not think of going to S. Carolina and returning again to this place. Besides it was chimerical to suppose that the States if consulted would ever accord separately, and beforehand.

Mr. Randolph, had never entertained an idea of an adjournment *sine die*; & was sorry that his meaning had been so readily & strangely misinterpreted. He had in view merely ~~that~~ an adjournment till tomorrow, in order that some conciliatory experiment might if possible be devised, and that in case the smaller States should continue to hold back, the larger might then take such measures, he would not say what, as might be necessary.

Mr. Patterson seconded the adjournment till tomorrow, as ^{an opportunity} it seemed to be wished by the

† See the paper in regard to communicated
to Mr. R. to S. C. July 16.

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afforded so much as to the importance of that point, and as to the policy of risking ^{a failure of} a general act of the Convention by inflexibly opposing it. Several of them supposing that no good Government could or would be built on that foundation, and that as a division of the Convention ^{into two opinions} ~~was inevitable~~, it would be better that the side comprising the principal States, and a majority of the people of America, should propose a scheme of Gov^t to the States, than that a scheme should be proposed on the other side, would have concurred in a firm opposition to the smaller States, and in a separate recommendation, if eventually necessary. Others seemed inclined to ~~concur~~ ^{yield} to the smaller States, and to concur in such an act however imperfect & exceptionable, as might be agreed on by the ~~entire~~ Convention as a body, this decided by a bare majority of States and by a minority of the people of the U. States. It is probable that the result of this consultation ~~satisfied~~ ^{satisfied} the smaller States that they had nothing to apprehend from a union of the larger, on any plan whatever as^t the equality of votes in the 2^d. branch.

Tuesday July 17. in Convention

Mr. Govern^r. Morris. moved to reconsider the whole Resolution agreed to yesterday concerning the constitution of the 2 branches of the Legislature. His object was to bring the House to a consideration ^{in the abstract} of the powers necessary to be vested in the general Government. It had been said, let us know how the Gov^t is to be modelled, and then we can determine what powers can be properly given to it. He thought the most eligible course was, first to determine on the necessary powers, and then ^{so} to modify the Govern^t as that it might be justly & properly enabled to administer them. He feared if we proceeded to a consideration of the powers, whilst the vote of yesterday including an equality of the States in the 2^d branch, remained in force, a reference to it, either mental or expressed, would mix itself with the merits of every question concerning the powers. - This motion was not seconded. [It was probably approved by several members, ^{was either probably} ~~but they~~ ^{and then} ~~and then~~ ^{disheartened} of success, or were apprehensive that the attempt would inflame the jealousies of the smaller States.]

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The 6th Resolⁿ in the Report of the Com^o of the whole ^{relating to the powers} which had been postponed in order to consider the 7 & 8th relating to the constitution of the Nat^l Legislature was now resumed.

Mr. Sherman observed that it would be difficult to draw the line between the powers of the Nat^l Legislature, and those to be left with the States; and that he did not like the definition contained in the Resolution, and proposed in place of the words "of individual legislation" ^{which may concern the common interests of the Union} to insert "to make laws binding on the people of the States in all cases ^{United} ~~of common concern~~, but not to interfere with the exercise of the government of the individual States in matters of internal police which respect the gov^t of such States only, and wherein the general welfare of the Union ~~is not~~ ^{is} concerned."

Mr. Wilson 2nd the amendment as better expressing the general principle.

Mr. Gov^r Morris opposed it. The internal police, as it would be called & understood by the States ought to be infringed in many cases, as in the case of paper money & other tricks by which Citizens of other States may be affected.

Mr. Sherman, in explanation of his ideas read an enumeration of powers, including the power of levying taxes on trade, but not the power of direct taxation, which

Mr. Gov^r Morris remarked the omission, and inferred that for the deficiencies of taxes on consumption, it must have been the meaning of Mr. Sherman, that the Gov^t Gov^r should recur to quotas & requisitions, which are subversive of the idea of Gov^t.

Mr. Sherman acknowledged that his enumeration did not include direct taxation. Some provision he supposed must be made for supplying the deficiency of other taxation, but he had not formed any.

On Question for yeas & nays ~~as to take~~ on Mr. Sherman's motion it passed in the negative.

Mass. no. Con. 1st ay. N. J. no. R. no. Del. no. Md. ay. 4th no. N. C. no. S. C. no. Geo. no.

2nd member of Resolution 6.

and moreover

Mr. Bedford moved that the ~~clause~~ be so altered as to read "to legislate in all cases for the general interests of the Union, and also in those to which the States are separately incompetent, or in which the harmony of the U. States may be interrupted by the exercise of individual legislation."

Mr. Gov^r Morris 2nd the motion

Mr. Randolph, This is a formidable idea indeed. It involves the power of violating all the laws and constitutions of the States, and of intermeddling with their police. The last member of the sentence is also ^{also} superfluous, being included in the first.

Mr. Bedford. It is not more extensive or formidable than the clause as it stands. no State being separately competent to legislate for the general interest of the Union.